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The time period for reply, if any, is set in the attached communication.

RECORD OF ORAL HEARING

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DONALD E. MOSING, DAVID L. SIPOS,
and JEREMY R. ANGELLE

Appeal 2008-1174
Application 10/690,920
Technology Center 3600

Oral Hearing Held: August 12, 2008

Before WILLIAM F. PATE, III, JENNIFER D. BAHR, and JOSEPH A. FISCHETTI, Administrative Patent Judges

ON BEHALF OF THE APPELLANT:

GUY E. MATTHEWS, ESQUIRE
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35 The above-entitled matter came on for hearing on Tuesday, August
36 12, 2008, commencing at 1:22 p.m., at the U.S. Patent and Trademark
37 Office, 600 Dulany Street, 9th Floor, Hearing Room A, Alexandria,
38 Virginia, before Lori B. Allen, Notary Public.

PROCEEDINGS

JUDGE PATE: Is it "Matthew" or "Matthews"?

MR. MATTHEWS: "Matthews."

JUDGE PATE: "Matthews"?

MR. MATTHEWS: Two "T's," one "S,"

JUDGE PATE: Okay. Well, we've had a chance to look at this case
at hand, and we're up to speed on it. And we'd like to hear your
arguments concerning patentability.

MR. MATTHEWS: Sure. May I approach?

JUDGE PATE: Yes, you may approach.

MR. MATTHEWS: For the court.

JUDGE PATE: Okay, briefing book. Thank you.

MR. MATTHEWS: Yes, sir. And we have one that we'd like to give
the clerk, if that's all right.

JUDGE PATE: Yes, you can give her one. I don't know if she'll find
essary.

MR. MATTHEWS: This is a case that involves something in the oil called "casing." Casing is a large OD piece of pipe, from 9-7/8 inches to 40 inches. It is huge. It is the outer shell for enabling the drilling of oil onshore or offshore. These things are used offshore. And that's really this invention is about.

When you start off to drill an oil well with casing, you start off with here from 20-inch to 40-inch OD thin-wall pipe, which historically you ed. It would take four welders. It may take eight hours. The price for

1 an offshore well right now is 450,000 bucks a day, and up. Eight hours is a
2 big chunk of that.

3 What this invention does -- And this is why this invention meets the
4 KSR standards. That's why this invention indeed is synergistic. What this
5 invention does is enable through a quick-connect coupling that's got space
6 threads, interrupted threads, in a vertical array.

7 The prior art cited is for tubing -- it is not casing, a substantially
8 different deal -- or for drill pipe. Some drill pipe can be in a quick coupling.
9 There is no disclosure anywhere in the prior art with respect to the claimed
10 invention that claims casing in combination with the quick connect in which
11 you can drive on top of the casing, not score or damage the threads, and in
12 which the coupling is double-shouldered. You have a pin box, shoulder and
13 bottom here on the pin, shoulder at the bottom of the box (indicates). You
14 have a double shoulder that accepts the compressive loads of pile driving on
15 top of this casing.

16 And what you normally do is drive 300 to 1,000 feet with a pile
17 driver. It's just a huge thing. The reason the oil is called "crude" is because
18 that's the way you produce it. Everything is heavy weight, heavy weight,
19 and trying to turn it in a clockwise direction. You're drilling. That's why we
20 say, "Turn it to the right." That's the saying in the oil business.

21 So what this invention does is eliminate welding, save substantial
22 time, enable driving of the casing, and enable you to go ahead and set your
23 casing. You set the casing in progressive sizes, down only so far. And then
24 you drill inside the casing with a drill bit and drill byte.

25 All the prior art relates to tubing, or all the prior art relates to drill
26 pipe. There is no disclosure of any double-shouldered casing -- or drill pipe,

1 either -- that would enable you to drive on top of the tubing or drill
2 pipe -- which you would never do -- where it would enable you to drive on
3 top and prevent the threads from scoring; or in other words, in which the
4 threads don't accept any load.

5 And what you will find is every bit of the prior art -- Wood,
6 McCaskill, Kamp, and Wilson all have threads that interfere and that accept
7 load. The threads of the claimed invention -- Well, all the answers are in the
8 claims. I think it's 1, 23, 37, 51, and 69 -- All are not covered, either singly
9 or in combination. As a matter of fact, you can't take any of the disclosures
10 of any of these four patents and fit them with respect to a 103 rejection.

11 JUDGE PATE: Let me go back a minute.

12 MR. MATTHEWS: Sure.

13 JUDGE PATE: You seem to emphasize that none of the references
14 were casings. They were either drill strain or tubing strain?

15 MR. MATTHEWS: Well, I frankly emphasize it.

16 JUDGE PATE: Well, yes, but the claim -- I'm looking at claim one
17 here. It doesn't say word-one about casing.

18 MR. MATTHEWS: I know it. But if you'd look at your book, you
19 have some dependent claims that do.

20 JUDGE BAHR: Well, were they separately argued?

21 MR. MATTHEWS: They probably were, yes, ma'am.

22 JUDGE BAHR: Where?

23 MR. MATTHEWS: Judge, they were.

24 JUDGE BAHR: Where?

25 MR. MATTHEWS: Claim four, 34, 39, 43, and the abstract all refer
26 to casing. And you'll see in your notebook, with respect to number five, we

1 have some proposed claims in which we've put in casing and taken out pipe.
2 And that's what we would propose.

3 But I don't believe we properly necessarily did the right emphasis with
4 respect to what this invention is, because this is a great invention. And I
5 believe simply calling it a casing -- which the ordinary person skilled in the
6 art absolutely would know what this is -- would enable the distinguishing
7 103 characteristics to enable you and us to overcome what the prior art is.

8 JUDGE FISCHETTI: Excuse me, Mr. Matthews?

9 MR. MATTHEWS: Yes, sir.

10 JUDGE FISCHETTI: You said "the proposed claims." Have they
11 been --

12 MR. MATTHEWS: They have not.

13 JUDGE FISCHETTI: -- exhibited to the examiner yet?

14 MR. MATTHEWS: No.

15 JUDGE FISCHETTI: Okay.

16 MR. MATTHEWS: They are before the court.

17 JUDGE PATE: Yes, we don't do anything with proposed claims.

18 MR. MATTHEWS: Okay. Well, here's the other thing. While you're
19 absolutely correct that the preamble does not refer to casing, there's no
20 question about the fact, however, that the claims, as they are currently
21 configured before this board, still do not disclose this combination. They do
22 not disclose pipe, any kind of pipe -- double-shouldered. They do not
23 disclose any type of pipe that can take a compressive double-shouldered load
24 at the end of the pin and at the end of the box.

25 As a matter of fact, they disclose patently distinct claim language with
26 respect to the prior art, because the prior art requires loaded threads. And

1 these don't require loaded threads. There is no recitation of that whatsoever.
2 As a matter of fact, the claims --

3 JUDGE PATE: Well, the --

4 MR. MATTHEWS: Go ahead.

5 JUDGE PATE: Do the claims preclude loaded thread?

6 MR. MATTHEWS: I believe they do, yes.

7 JUDGE BAHR: Could you tell us where in those claims?

8 MR. MATTHEWS: I could. There's no recitation with respect to the
9 threads as there is in the prior art, that the threads are accepting load. The
10 only recitation of load is with respect to the shoulder ends.

11 JUDGE PATE: So the claims are silent with respect to load on the
12 threads?

13 MR. MATTHEWS: Well, for example, claim one -- the second page
14 of claim one, that's section four, the second page -- you'll see that it says,
15 "Wherein the nose face of the male end engages the internal annular
16 shoulder of the female end and the nose face of the female end engages the
17 external annular shoulder of the male end such that compressive loads on the
18 male end and the female end are borne substantially by the shoulders."

19 JUDGE BAHR: What does "substantially" mean?

20 MR. MATTHEWS: In my opinion, "substantially" means that the
21 threads don't have any load. The threads on this device -- And that's set
22 forth in those claims, I think. That's why you have that recitation of
23 compressive load for the shoulder, is because these threads do not have
24 compressive load. Whereas the prior art states just the opposite.

25 At this point, do you have any questions? I know you
26 guys -- What? This is your third hearing today.

1 You will note that Wood is used as a reference for all of the claims.
2 Wood is item six in your book. And Wood has a mortise-and-tendon
3 disclosure that is not load bearing. As a matter of fact, you'll notice that the
4 tendon doesn't touch the bottom of the mortise. It may touch the side walls,
5 but there's a specific recitation of a space between the mortise and the
6 tendon. Actually, what happens is, this thing is for a drill string.

7 JUDGE PATE: Sure.

8 MR. MATTHEWS: Okay? So you have drilling mud get in there and
9 you won't be able to wash it out. That's the reason they have the gap.

10 The Wilson patent is circumferentially spaced threads, no double
11 shoulder, no driving, no compressive loads on the shoulder.

12 JUDGE BAHR: Why do you say there is no double shoulder in
13 Wilson?

14 MR. MATTHEWS: Well, there's a drill string -- Hold on. Oh, well,
15 do you know what? You may be --

16 JUDGE BAHR: Aren't 24 and 25 shoulders?

17 MR. MATTHEWS: I don't see the shoulders. I see the ends, but
18 there is no shoulder -- no shoulder that restrains outward radial movement.
19 So what happens when you drive on this thing with the compressive forces,
20 the ends are forced out. So the reason you see recitation of the claims to
21 prevent outward radial movement is because that's what happens, is the ends
22 deform, quite frankly. And so you prevent outward radial expansion.

23 Wilson, on the other hand, I don't see a shoulder, actually. I see an end.

24 JUDGE BAHR: Item 24 and Item 25 are both referred to as shoulders
25 in Wilson.

1 MR. MATTHEWS: Okay. The beveled surface -- I think they're
2 complementary beveled surfaces that don't have the ability to restrain radial
3 movement.

4 JUDGE BAHR: I don't think the examiner is --

5 MR. MATTHEWS: That's what I'm saying.

6 JUDGE BAHR: I think he would agree with you on that.

7 MR. MATTHEWS: Okay. Well, I don't know. You will notice that
8 Wilson does have one continuous thread. I believe the disclosure here is that
9 Wilson is beveled so the shoulder won't accept a load. And the reason
10 Wilson is beveled is because if it's beveled it won't accept a load. Period.

11 The patent to Kamp obviously is not casing; no recitation of driving
12 on it. It's got a stop mechanism. In other words, it will not enable you to
13 fully make up the connection. It's got a stop.

14 So does McCaskill, which is the last patent that's got a stop. It won't
15 enable it to be fully made up. McCaskill has actually a sub-C connection
16 with a remote device that you can unlatch the pipe. But McCaskill, if you'll
17 notice, is actually an insert that's welded into each end of the casing. In
18 other words, welded here, welded here, welded here, and a quick connect
19 across here (indicates), but it's got a latch and release and a stop.

20 Well, this pipe is for fully making up. It doesn't have a stop. But
21 McCaskill and Wilson both disclose they have stops. They can't be fully
22 made up. And then again, this has the remote release. And actually, it
23 would be inches away, what the claim is with respect to the Mosing
24 application.

25 JUDGE PATE: So McCaskill is a riser pipe, right?

26 MR. MATTHEWS: Yes, sir.

1 JUDGE PATE: Okay.

2 MR. MATTHEWS: If you'll read it, really it's used offshore.

3 Because what they want to do --

4 JUDGE PATE: Yes, we're familiar with it.

5 MR. MATTHEWS: Okay. But they don't remove that joint. Okay?

6 That casing is permanent. This type of pipe, or this type of claim language
7 is for something that's not releasable. Once it's there, it's there.

8 And I will not take up any more of your time. If you have any more
9 questions, I'd be happy to entertain them.

10 JUDGE PATE: Do we have any questions?

11 JUDGE FISCHETTI: No questions.

12 JUDGE BAHR: I have one question. In the last paragraph of claim
13 one, the language reads, "At least one and/or both of said first and second
14 protuberances embodies at least one interference dimension --"

15 MR. MATTHEWS: Yes, ma'am.

16 JUDGE BAHR: "-- that causes the protuberance to displace a mating
17 protuberance surface." Are we talking about deformation of the threads
18 there?

19 MR. MATTHEWS: Yes, ma'am.

20 JUDGE BAHR: Okay. So "displace" really means you mean it in the
21 sense of deforming?

22 MR. MATTHEWS: Yes. You have interfering threads which, one,
23 the crest infringes -- Both crests infringe -- Both crests are up against one
24 another substantially, such that there is some type or slight deformation.

25 JUDGE BAHR: Okay.

26 MR. MATTHEWS: Okay, guys. Thank you so much.

1 JUDGE PATE: Okay. Do you have a business card for the court
2 reporter?

3 MR. MATTHEWS: I do.

4 JUDGE PATE: Just for the record, we should introduce your two
5 guests, too.

6 MR. MATTHEWS: Yes. Jason Celaya, with our firm, and Dr. Al
7 Payne, with our firm.

8 JUDGE PATE: Did you get the spellings of them?

9 COURT REPORTER: Yes.

10 MR. MATTHEWS: And by the way, here is a cutaway of the real
11 deal; which is really fascinating. You can have it. It's 40 inches in diameter;
12 30-foot long. And Lord knows how much that weighs. Lord knows how
13 much it takes to drive it down. And rather than taking four hours, you can
14 do that (indicates); drive on top of it, and not score those threads. So it's
15 very unusual.

16 JUDGE BAHR: Will it lower the price of oil?

17 MR. MATTHEWS: I'm not sure if the price of oil has anything to do
18 with this. I think we're being manipulated a little bit on that.

19 By the way, in your notebooks, it shows what you do here. You align,
20 mate, turn and lock (indicates). That's interesting; isn't it? The same thing.

21 DR. PAYNE: Here's an actual piece, if you'd like to see the
22 shoulders.

23 MR. MATTHEWS: Yes, do you want to see what the shoulders look
24 like?

1 DR. PAYNE: This is an actual piece that shows the way the
2 shoulders engage and keep it from expanding radially. And you can pull
3 that apart (indicates).

4 JUDGE PATE: I'm good.

5 MR. MATTHEWS: All right. Thank you so much.

6 JUDGE PATE: You're very welcome, sir.

7 (Whereupon, at 1:58 p.m., the hearing was concluded.)